

Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 47-50 are pending in the application. Claims 1-7, 9-15, 37-42, 44 and 46 are canceled without prejudice. Claims 48-50 are new. Claim 47 is independent.

Status of Prior Amendment After Final Rejection

Applicants filed an amendment after final rejection on July 18, 2007, in response to a final rejection mailed on June 12, 2007. Applicants submit the present amendment with the understanding that the final rejection mailed on June 12, 2007 has been withdrawn in view of the present Action and that the amendment filed on July 18, 2007 has not been entered.

Response to § 103(a) Rejections

Applicants disagree that claims 1-7, 9-15, 37-42, 44 and 46 are obvious in view of the cited prior art. However, to expedite prosecution, applicants have canceled claims 1-7, 9-15, 37-42, 44 and 46 without prejudice. Applicants respond to the rejection of claim 47 as follows.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations. [See MPEP § 2142.] Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. [See MPEP § 2143.01.]

In the Action, the Office rejects claim 47 under § 103(a) in view of U.S. Patent Application Publication No. 2005/0185055 A1 ("Miller"), U.S. Patent Application Publication No. 2002/0158887 A1 ("Samra"), Industrial Light & Magic, "OpenEXR: About OpenEXR," 2 pp. (2003) ("OpenEXR"), Durand et al., "Fast Bi-lateral Filtering for the Display of High-Dynamic-Range Images," (2002) ("Durand") and Siprut, *Adobe Photoshop Handbook* (1995) ("Photoshop"). [See Action at p. 12.]

Applicants respectfully submit that claim 47 in its present form is allowable over the art applied by the Examiner.

As amended, independent claim 47 recites in part:

deriving image segment information from the high dynamic range image information during pre-processing of the high dynamic range image, the image segment information defining two or more image segments in the high dynamic range image; and

in response to a cursor passing over a first image segment of the two or more image segments in the high dynamic range image:

applying tone mapping to the first image segment; and

displaying the first image segment in accordance with at least one display parameter corresponding to the tone mapping that differs from a corresponding display parameter for a second image segment of the two or more image segments in the high dynamic range image.

For example, the Application states:

In addition to tone-mapping, other forms of image pre-processing can be performed. For example, an image can be segmented during pre-processing using known image segmentation techniques. Segmented images can be used to help determine regions of interest. . . .

The segment viewer is similar to the sliding-window viewer and the rectangle viewer. However, in the segment viewer, the regions of interest are segments computed using image segmentation techniques. A user can choose segments by passing a cursor over portions of the image. As the cursor passes over a segment, the segment viewer applies tone mapping to the segment, separate from any tone mapping applied to the background image. . . .

[See Application at p. 13, l. 6-9; p. 15, l. 24-29.]

The Examiner states, "As to claim 47, this claim is similar in scope to claim 1, the rejection to which is incorporated by reference. The differences are that the claim applies tone mapping to the first image portion to generate the second image portion . . ." [See Action at p. 13.] Although claim 47 does recite, for example, "applying tone mapping," claim 47 recites additional subject matter that is not taught by the art applied by the Examiner.

For example, Miller, Samra, OpenEXR, Durand and Photoshop do not mention deriving image segment information during pre-processing of an image. Therefore, even if Miller were combined with Samra, OpenEXR, Durand and Photoshop, and motivation could be found to make such a combination, a combination of Samra, OpenEXR, Durand and Photoshop would still not teach or suggest, for example, "deriving image segment information from the high dynamic range image information during pre-processing of the high dynamic range image" and "in response to a cursor passing over a first

image segment of the two or more image segments in the high dynamic range image: applying tone mapping to the first image segment; and displaying the first image segment in accordance with at least one display parameter corresponding to the tone mapping that differs from a corresponding display parameter for a second image segment,” as recited in amended claim 47.

Claim 47 is allowable. Accordingly, the rejection of claim 47 under 35 U.S.C. § 103(a) should be withdrawn. Such action is respectfully requested.

New Claims

New claims 48-50 depend from claim 47 and should be allowable for at least the reasons given above for the allowability of claim 47. Support for new claim 48 can be found, for example, in the Application at original claim 5, Figure 3 and page 13, lines 1-9. Support for new claim 49 can be found, for example, in the Application at original claim 10 and page 13, lines 1-9. Support for new claim 50 can be found, for example, in the Application at page 10, lines 13-16 and page 13, lines 1-9.

Request For Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.


Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By 

Stephen A. Wight
Registration No. 37,759